

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-05013-02-CR-SW-DW
)	
BOBBY R. MARRETT,)	
)	
Defendant.)	

ORDER FOR RETURN OF SEIZED PROPERTY

UPON MOTION of the parties (Doc. 82 and 83), and without objection the Court finds the following:

1. That the sum of \$62,999.00 was seized from defendant, Bobby R. Marrett on November 16, 2004 by the Jasper County Drug Task Force.
2. That the Jasper County Drug Task Force is a multi-jurisdiction agency comprised of the Joplin, Missouri Police Department, Jasper County, Missouri Sheriff's office, and the Carthage, Missouri Police Department.
3. That at all times herein, Officer Frank Lundien, of Joplin Police Department was the head of the Jasper County Drug Task Force.
4. That on July 8, 2005, by application of the Jasper County Prosecuting Attorney the \$62,999.00 was transferred by the Circuit Judge of Jasper County Circuit Court to the jurisdiction of the United States of America.
5. That the funds were never physically transferred to the U.S. Government but remained under the custody and control of the Jasper County Drug Task Force.
6. That a federal indictment, Case No. 06-05013-02-CR-SW-DW, seeking forfeiture of the monies was filed on March 9, 2006.

7. That the indictment against Bobby R. Marrett was dismissed on December 7, 2006.
8. That following the dismissal of the indictment AUSA Cynthia Hyde requested Joplin Police Officer Frank Lundien of the Jasper County Drug Task Force to return the seized monies to Counsel for Defendant.
9. That the Jasper County Drug Task Force has failed to return the seized funds to Bobby Marrett or his counsel.
10. That Counsel has filed a motion with this Court pursuant to Rule 41(g) Federal Rules of Criminal Procedure requesting that Jasper County Drug Task Force, consisting of the Joplin Police Department, the Jasper County Sheriff's Department, and the Carthage Police Department to account for, and return the funds seized on November 16, 2004 by member of the Jasper County Drug Task Force.
11. That the defendant, Bobby Marrett is entitled the return of the seized funds in the amount of \$62,999.00
12. That the U.S. Government is in agreement with the defendant's request for the accounting and return of said seized monies.

WHEREFORE, Bobby Marrett's Motion for Return of Seized Property is GRANTED. (Doc. 82). It is hereby Ordered that the Jasper County, Sheriff's Department, the County of Jasper, the Joplin Police Department, the City of Joplin, the Carthage Police Department, and the City of Carthage account for, and return to Defendant, Bobby R. Marrett the sum of \$62,999.00 seized on November 16, 2004 by the Jasper County Drug Task Force by August 24, 2007.

Date: July 24, 2007

/s/ Dean Whipple
Dean Whipple
United States District Judge